

### **REMARKS**

This Amendment and the following remarks (hereinafter, "Amendment & Response") are intended to fully respond to the non-final Office Action mailed January 24, 2008. In that Office Action, claims 6, 8, and 35 were allowed. Claims 9-18 and 26-34 were rejected. Specifically, claims 9-18, 26, 27, and 30-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,209,955 to Major et al. (hereinafter, "Major"). Claims 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Major in view of "Official Notice." Reconsideration of the rejections to claims 9-14 and 26-34, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 6, 8-9, and 34-35 have been amended. Claims 6, 8, and 35 were amended to improve form only. Claim 36 has been added, claims 15-18 have been cancelled, and claims 1-5, 7, and 19-25 remain cancelled. Although claim 36 has been added, it does not add any new subject matter.

#### **Allowed Claims: 6, 8, and 35**

In the January 24, 2008 non-final Office Action, the Examiner allowed claims 6, 8, and 35. The Applicants thank the Examiner for allowing these claims. In allowing these claims, the Examiner explained:

Applicant's arguments dated 11/12/2007 with respect to the amended claims 6 and 8 and new claim 35, i.e., The claims of the present invention, particularly as now amended, thus provide for an 'environmental notification mode.' See, e.g., claim 6. Further, the claim language embodies the several layers of notification embodied by the present invention and which are missing in Major. For example, in an embodiment of the present invention, the user may place the small computer device into a meeting mode (Layer 1) which draws upon the associated stored meeting profile (Layer 2) for that user which, in turn, stores the user's preferences for notification types (Layer 4) for associated notification events (Layer 3) based on the user's environment. The present invention's four-layer structure, in an embodiment as claimed, is illustrated as follows in the exemplary schematic below: --)]Set in meeting Mod[e]---) Retrieve Stored Meeting Profile -) Notification Events for meeting Profile - Calendar Reminder - Email Message - Priority Email Message --) Notification Types for Events for Meeting Profile - Audible - Visual Display - Vibration, etc., is persuasive and hence claims 6, 8 and 35 are allowable.

*Office Action, 01/24/2008 at 2.*

Again, the Applicants thank the Examiner for allowing claims 6, 8, and 35. The Applicants note that the amendments herein to claims 6, 8, and 35 were made to improve form only, and continued allowance of these claims, as amended, is therefore respectfully requested.

**New Claim: 36**

The Applicants note that they have added claim 36. Independent claim 36 tracks the language of allowed claims 6 and 35. *Compare* claims 6 & 35 *with* claim 36. Accordingly, the Applicants believe that claim 36 should be allowed based on, at a minimum, the Examiner's reasons for allowance quoted above for claims 6 and 35. *See Office Action*, 01/24/2008, at 2. As can be seen, claim 36 has "the several layers of notification embodied by the present invention and which are missing in Major. For example, in an embodiment of the present invention, the user may place the small computer device into a meeting mode (Layer 1) which draws upon the associated stored meeting profile (Layer 2) for that user which, in turn, stores the user's preferences for notification types (Layer 4) for associated notification events (Layer 3) based on the user's environment. . . ." *Office Action*, 01/24/2008, at 2. The Applicants therefore respectfully request allowance of claim 36.

**Claim Rejections: Claims 9-18; 35 U.S.C. § 102(e)**

Claims 9-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Major. Claims 15-18 have been cancelled. The Applicants respectfully traverse the § 102(e) rejections of claims 9-14 because the Examiner has failed to state a prima facie case of anticipation. A prima facie case of anticipation can be met only where the reference teaches each and every aspect of the claimed invention. *See* MPEP §§ 706.02 & 2136. The Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 102(e) on the grounds that Major does not disclose, either explicitly or implicitly, each and every limitation of the pending claims.

While the Applicants disagree that Major teaches each and every aspect of the previously presented claim 9, the Applicants have amended claim 9 in the interest of forwarding this application to allowance. Claim 9 now recites:

A computer system for notifying a user of notification events with at least one predetermined notification type based on the user's environment, the system comprising:

a memory unit storing two or more a plurality of notification profiles for each of one or more users, such that each notification profile is assigned a predetermined environmental notification mode from a selection of one or more environmental notification modes and such that within each notification profile are notification events from a selection of one or more notification events and such that each of the notification events is assigned at least one notification type; a display unit for showing an environmental notification mode menu, for showing a notification event menu, and for showing a notification type menu; an input unit for selecting at least one from a group consisting of a notification profile from the two or more notification profiles, a notification mode from the notification mode menu, a notification event from the notification event menu, and a notification type from the notification type menu; a first output unit for notifying the user of a first notification event using a first notification type; a second output unit for notifying the user of the first notification event using a second notification type such that the second notification type is different from the first notification type; a processing unit in response to a- the notification profile selected from the two or more plurality of profiles in the memory unit and in response to the notification event, automatically determining whether to notify the user using the first notification type or the second notification type; and the processing unit utilizing the first or second output unit to notify the user.

Claim 9, *supra*.

In light of the amendments to claim 9, the Applicants respectfully request allowance of this claim. The relevant language of claim 9 mirrors the language of claims 6 and 35 which the Examiner considered to be allowable. *See Office Action*, 01/24/2008, at 2. In other words, the language of claim 9 “embodies the several layers of notification embodied by the present invention and which are missing in Major. . . .” *Id*. Based on the Examiner’s reasons for allowance for claims 6 and 35, *see id.*, among other reasons, the Applicants believe claim 9 is in condition for allowance and respectfully request such action. Further, the Applicants reiterate that Major nowhere teaches the control of notifications based on the user’s environment as claimed. Major merely teaches the configuration of a redirector program for “pushing,” or redirecting, certain data items from a host system to a user’s mobile data communication device with no relation to the user’s environment. Not only is there no teaching in Major to place a computer device into a certain mode as claimed by an embodiment of the present invention, but there is no disclosure to place the device into a mode based on the user’s environment. Accordingly, Major does not disclose each and every limitation of claim 9. Because claims 10-

14 depend on the allowable base claim 9, claims 10-14 are also believed to be patentable, and the Applicants respectfully request allowance of these claims as well.

The Applicants reiterate that they do not agree that the reference cited teaches the present invention. Amendments to the claims are made in the interest of forwarding this application to allowance and are not necessarily made to address the Office Action's rejections based on the cited reference.

**Claim Rejections: Claims 26-34; 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)**

Claims 26, 27, and 30-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Major, and claims 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Major in view of "Official Notice." Claims 26-34 depend on claim 6. The Examiner allowed claim 6. The Applicants note that they do not understand the Examiner's rejections of claims 26-34 given that these claims depend on allowed claim 6. The Applicants therefore respectfully request clarification of the Examiner's rejections of claims 26-34. As noted, amendments herein to claim 6 were made to improve form only, and the Examiner's allowance of claim 6 is therefore respectfully expected to be maintained. Accordingly, claims 26-34 are also believed to be patentable because these claims depend from the allowable base claim 6. Reconsideration of the rejections to claims 26-34 is therefore respectfully requested.

While the Applicants note that claims 26-27 and 30-34 should be allowable based on the Examiner's allowance of claim 6, the Applicants also note that they disagree with the Examiner's rejections of claims 26-27 and 30-34 under 35 U.S.C. § 102(e) as being anticipated by Major. As noted *supra*, Major nowhere teaches the control of notifications based on the user's environment as claimed. Major merely teaches the configuration of a redirector program for "pushing," or redirecting, certain data items from a host system to a user's mobile data communication device with no relation to the user's environment. Not only is there no teaching in Major to place a computer device into a certain mode as claimed in an embodiment of the present invention, but there is no disclosure to place the device into a mode based on the user's environment. Accordingly, Major does not disclose each and every limitation of the pending claims, and allowance of claims 26-27 and 30-34 is respectfully requested.

Further, while the Applicants note that claims 28-29 should be allowable based on the Examiner's allowance of claim 6, the Applicants also note that they disagree with the

Examiner's rejections of claims 28-29 as being unpatentable over Major in view of "Official Notice." The Examiner stated that "'Official Notice' is taken that both the concept and advantages of providing message comprising text and flashing light is well known and expected in the art. . . ." *Office Action*, 01/24/2008, at 10-11. As noted, claims 28-29 depend upon claim 6. The Applicants disagree that the subject matter as claimed in claims 28-29 is "well known and expected in the art." To the contrary, the visual displays claimed in claims 28-29 are specifically used in the context of claim 6's "storage medium of a computer encoding instructions for executing a computer process on a small computer device for notifying a user of notification events with predetermined notification types depending on the user's environment . . . ." As such, the claimed visual display comprising a flashing light or a message comprising text is not capable of instant and unquestionable demonstration such that it would constitute common knowledge in the art. *See In re Ahlert*, 424 F.3d 1088, 1091 (CCPA 1970). The Applicants therefore respectfully request that the Examiner support his "Official Notice" conclusion with documentary evidence or reconsider the rejections of claims 28-29.

Because these remarks are believed to render the claims patentable, any remaining arguments supporting the claim rejections are not acquiesced to even though they are not directly addressed herein. Reconsideration of the rejections to claims 26-34 is respectfully requested.

### **Conclusion**

This Amendment and Response fully responds to the Office Action mailed on January 24, 2008. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they were rendered moot in light of the preceding arguments in favor of patentability. Hence, the failure, if any, of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may contain other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no further fees are due with this Amendment. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is in condition for allowance, and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Dated: April 24, 2008



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